

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LISA FERENCY,

Plaintiff,

v.

**7:10-CV-711
(FJS/VEB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ATTORNEYS

OF COUNSEL

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NOAH M. SCHABACKER, ESQ.
DENNIS J. CANNING, ESQ.**

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Bianchini's April 30, 2012 Report and Recommendation in which he recommended that the Court deny Defendant's motion for judgment on the pleadings, grant Plaintiff's motion for judgment on the pleadings, and remand this case for further proceedings consistent with his Report and Recommendation pursuant to sentence four of 42 U.S.C. § 405(g). *See* Dkt. No. 21 at 17-18. Neither party filed any objections.

When a party does not object to a magistrate judge's report and recommendation, the court reviews that report and recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Bianchini's April 30, 2012 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Bianchini's April 30, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings is **DENIED**; and the Court further

ORDERS that Plaintiff's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Defendant's decision denying benefits is **REVERSED**; and the Court further

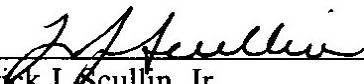
ORDERS that this case is remanded for further proceedings consistent with Magistrate

Judge Bianchini's Report and Recommendation pursuant to sentence four of 42 U.S.C. § 405(g);
and the Court further

ORDERS that the Clerk of the Court shall enter judgment in Plaintiff's favor and close
this case.

IT IS SO ORDERED.

Dated: July 13, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge